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EXAMINER

WASSUM, LUKE S

ART UNIT PAPER NUMBER

2167

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/932,571

Applicant(s)

DANIELS ET AL.

Examiner

Luke S. Wassum

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The Applicants' amendment, filed 17 August 2004, has been received, entered into the record, and considered.
2. As a result of the amendment, claim 1 has been amended. Claims 1-13 remain pending in the application.

The Invention

3. The claimed invention is a supply chain management system for managing the production, sales and distribution of petroleum lubricants.

Affidavit under 37 C.F.R. 1.131

4. The affidavit filed on 17 August 2004 under 37 CFR 1.131 has been considered but is ineffective to overcome the **Navani et al.** reference (U.S. Patent Application Publication 2002/0049667).

5. The following information is taken from MPEP § 715.04[R-2].

The following parties may make an affidavit or declaration under 37 CFR 1.131:

- (A) All the inventors of the subject matter claimed.
- (B) An affidavit or declaration by less than all named inventors of an application is accepted where it is shown that less than all named inventors of an application invented the subject matter of the claim or claims under rejection. For example,

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one of two joint inventors is accepted where it is shown that one of the joint inventors is the sole inventor of the claim or claims under rejection.

(C) **>If a petition under 37 CFR 1.47 was granted or the application was accepted under 37 CFR 1.42 or 1.43, the affidavit or declaration may be signed by the 37 CFR 1.47 applicant or the legal representative, where appropriate. <.

(D) The assignee or other party in interest when it is not possible to produce the affidavit or declaration of the inventor. *Ex parte Foster*, 1903 C.D. 213, 105 O.G. 261 (Comm'r Pat. 1903).

Affidavits or declarations to overcome a rejection of a claim or claims must be made by the inventor or inventors of the subject matter of the rejected claim(s), a party qualified under 37 CFR 1.42, 1.43, or 1.47, or the assignee or other party in interest when it is not possible to produce the affidavit or declaration of the inventor(s). Thus, where all of the named inventors of a pending application are not inventors of every claim of the application, any affidavit under 37 CFR 1.131 could be signed by only the inventor(s) of the subject matter of the rejected claims. Further, where it is shown that a joint inventor is deceased, refuses to sign, or is otherwise unavailable, the signatures of the remaining joint inventors are sufficient. However, the affidavit or declaration, even though signed by fewer than all the joint inventors, must show completion of the invention by all of the joint inventors of the subject matter of the claim(s) under rejection. *In re Carlson*, 79 F.2d 900, 27 USPQ 400 (CCPA 1935).

6. In this case, the affidavit is ineffective because the affidavit was submitted by less than all of the inventors.

Drawings

7. A proposed drawing correction to Figures 2 and 4A has been received. The proposed drawing corrections are approved.

As a result, the examiner withdraws all pending objections to the drawings.

8. The Applicants are now required to submit new formal drawings, incorporating the approved proposed drawing changes. The new formal drawings are required to avoid abandonment of the application. The requirement for new formal drawings will not be held in abeyance.

Specification

9. In view of the amendments to the specification, the examiner withdraws all pending objections to the specification.

Claim Rejections - 35 USC § 112

10. In view of the amendment to claim 1, the examiner withdraws the pending claim rejection under 35 U.S.C. § 112.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1-3, 5-8, 10, 11 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by

Navani et al. (U.S. Patent Application Publication 2002/0049667).

13. Regarding claim 1, **Navani et al.** teaches a computer programmed to execute a process for lubricants supply chain management as claimed, said process comprising:

- a) upon receiving a request from a web-browser client, querying a database comprising a catalog of lubricants and prices and availability for same and serving said results of said query to said requesting web-browser client for display (see description of the tab-based interface for selection of desired lubricant, paragraph [0043]; see also disclosure of the use of a search engine, paragraphs [0175] and [0176]; see also description of pricing information, paragraph [0064]);
- b) serving an order form to said web-browser client which is configured to contain fields for order quantity and type for lubricants, delivery type preferences and delivery address entered in said web-browser client, and determining and displaying on said web-browser client a delivery price quote (see description of the tab-based interface for selection of desired lubricant, paragraph [0043]; see also the information associated with each posted trade deal, paragraphs [0044] through [0056]);
- c) receiving an order from said web-browser client for a specific type and quantity of lubricants and having a specific delivery type selected (see description of the tab-based

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- interface for selection of desired lubricant, paragraph [0043]; see also the information associated with each posted trade deal, paragraphs [0044] through [0056]);
- d) electronically transmitting over a network said order to a fulfillment agent selected from the group consisting of a Lubricant Blender or an Order Fulfillment Agent, and mixtures thereof (see disclosure that trade details are transmitted to collaborative workflow applications, scheduling application, etc., paragraph [0096] and [0110]; see also disclosure that decision support tools are used to help end users quickly evaluate petroleum products for supply, blending and trading purposes, and also includes transport scheduling tools, paragraphs [0117] and [0118]);
- e) electronically transmitting over a network said order and said delivery information to a Freight-Handling Agent (see disclosure of the notification of the vessel broker/owner to secure/reserve the vessel, paragraph [0110]);
- f) wherein said Freight-Handling Agent inputs information into a delivery optimization system which outputs a delivery schedule which includes said order, and electronically transmits over a network said order and said delivery information to at least one Trucking Company (see details of the transport selection and optimization tools, paragraphs [0180] through [0184]; see also disclosure that 'vessel' may be any transportation container used to carry cargo, including a truck, paragraph [0206]); and
- g) maintaining the status and all actions and communications for said order in a web-accessible database (see disclosure of the Collaborative Workflow Environment, through which users can see the details and status of any Collaborative Workflow Processes, paragraphs [0200] through [0203]).

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14. Regarding claim 6, **Navani et al.** teaches a computer readable medium having a computer readable program means embodied thereon for lubricants supply chain management as claimed, said computer readable program means comprising:

- a) computer readable program code means for receiving a request from a web-browser client, querying a database comprising a catalog of lubricants and prices and availability for same and serving said results of said query to said requesting web-browser client for display (see description of the tab-based interface for selection of desired lubricant, paragraph [0043]; see also disclosure of the use of a search engine, paragraphs [0175] and [0176]; see also description of pricing information, paragraph [0064]);
- b) computer readable program code means for serving an order form to said web-browser client which is configured to contain fields for order quantity and type for lubricants, delivery type preferences and delivery address entered in said web-browser client, and determining and displaying on said web-browser client a delivery price quote (see description of the tab-based interface for selection of desired lubricant, paragraph [0043]; see also the information associated with each posted trade deal, paragraphs [0044] through [0056]);
- c) computer readable program code means for receiving an order from said web-browser client for a specific type and quantity of lubricants and having a specific delivery type selected (see description of the tab-based interface for selection of desired lubricant, paragraph [0043]; see also the information associated with each posted trade deal, paragraphs [0044] through [0056]);

- d) computer readable program code means for electronically transmitting over a network said order to a fulfillment agent selected from the group consisting of a Lubricant Blender or an Order Fulfillment Agent, and mixtures thereof (see disclosure that trade details are transmitted to collaborative workflow applications, scheduling application, etc., paragraph [0096] and [0110]; see also disclosure that decision support tools are used to help end users quickly evaluate petroleum products for supply, blending and trading purposes, and also includes transport scheduling tools, paragraphs [0117] and [0118]);
- e) computer readable program code means for electronically transmitting over a network said order and said delivery information to a Freight-Handling Agent (see disclosure of the notification of the vessel broker/owner to secure/reserve the vessel, paragraph [0110]); and
- f) computer readable program code means for maintaining the status and all actions and communications for said order in a web-accessible database (see disclosure of the Collaborative Workflow Environment, through which users can see the details and status of any Collaborative Workflow Processes, paragraphs [0200] through [0203]).

15. Regarding claim 11, Navani et al. teaches a method for lubricants supply chain management as claimed, comprising:

- a) storing in a web-accessible database a catalog of lubricants and prices-per-unit and availability for same which prices-per-unit decrease based on certain pre-determined criteria (see description of the tab-based interface for selection of desired lubricant, paragraph [0043]; see also disclosure of the use of a search engine, paragraphs [0175]

and [0176]; see also description of pricing information, paragraph [0064], and the fact that quantity discounts may be given, paragraph [0060]);

- b) upon receiving at a web server a request from a web-browser client, querying a database and serving said results of said query to said requesting web-browser client for display (see description of the tab-based interface for selection of desired lubricant, paragraph [0043]; see also disclosure of the use of a search engine, paragraphs [0175] and [0176]; see also description of pricing information, paragraph [0064]);
- c) serving an order form to said web-browser client which is configured to contain fields for order quantity and type for lubricants, delivery type preferences and delivery address entered in said web-browser client, and determining and displaying on said web-browser client a delivery price quote (see description of the tab-based interface for selection of desired lubricant, paragraph [0043]; see also the information associated with each posted trade deal, paragraphs [0044] through [0056]);
- d) receiving an order from said web-browser client for a specific type and quantity of lubricants and having a specific delivery type selected (see description of the tab-based interface for selection of desired lubricant, paragraph [0043]; see also the information associated with each posted trade deal, paragraphs [0044] through [0056]);
- e) electronically transmitting over a network said order to a fulfillment agent selected from the group consisting of a Lubricant Blender or an Order Fulfillment Agent, and mixtures thereof (see disclosure that trade details are transmitted to collaborative workflow applications, scheduling application, etc., paragraph [0096] and [0110]; see also disclosure that decision support tools are used to help end users quickly evaluate

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- petroleum products for supply, blending and trading purposes, and also includes transport scheduling tools, paragraphs [0117] and [0118]);
- f) wherein said order fulfillment agent electronically transmits over a network said order and blending specifications to at least one lubricant blender (see disclosure that decision support tools are used to help end users quickly evaluate petroleum products for supply, blending and trading purposes, paragraphs [0117] and [0118]; see also extensive disclosure of blending and trading tools, paragraphs [0125] through [0160];
- g) electronically transmitting over a network said order and said delivery information to a Freight-Handling Agent (see disclosure of the notification of the vessel broker/owner to secure/reserve the vessel, paragraph [0110]);
- h) wherein said Freight-Handling Agent inputs information into a delivery optimization system which outputs a delivery schedule which includes said order, and electronically transmits over a network said order and said delivery information to at least one Trucking Company (see details of the transport selection and optimization tools, paragraphs [0180] through [0184]; see also disclosure that 'vessel' may be any transportation container used to carry cargo, including a truck, paragraph [0206]); and
- i) maintaining the status and all actions and communications for said order in a web-accessible database (see disclosure of the Collaborative Workflow Environment, through which users can see the details and status of any Collaborative Workflow Processes, paragraphs [0200] through [0203]).

16. Regarding claims 2 and 7, **Navani et al.** additionally teaches a computer and computer readable medium wherein said fulfillment agent is an order fulfillment agent and said order

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fulfillment agent electronically transmits over a network said order to at least one lubricant blender (see disclosure that decision support tools are used to help end users quickly evaluate petroleum products for supply, blending and trading purposes, paragraphs [0117] and [0118]; see also extensive disclosure of blending and trading tools, paragraphs [0125] through [0160]).

17. Regarding claims 3 and 8, **Navani et al.** additionally teaches a computer and computer readable medium which further comprises serving a product search page to said web browser client, wherein said search page comprising fields supporting alternate search methods selected from the group consisting of product name, product application, cross-applications and mixtures thereof (see description of the tab-based interface for selection of desired lubricant, paragraph [0043]; see also disclosure of the use of a search engine, paragraphs [0175] and [0176]).

18. Regarding claims 5, 10 and 13, **Navani et al.** additionally teaches a method, computer and computer readable medium wherein prices decrease based on cumulative purchase volume over a pre-determined time period (see disclosure that quantity discounts may be given, paragraph [0060]).

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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20. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

21. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

22. Claims 4, 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Navani et al.** (U.S. Patent Application Publication 2002/0049667) as applied to claims 1-3, 5-8, 10, 11 and 13 above, and further in view of **Hager et al.** (U.S. Patent 6,085,808).

23. Regarding claims 4, 9 and 12, **Navani et al.** teaches a method, computer and computer readable medium substantially as claimed, including performing lubricant analysis (see discussion of the CBAT-G analysis tool, paragraphs [0132] through [0138].

Navani et al. does not explicitly teach a method, computer and computer readable medium which further comprises receiving an order from said web-browser client for a specific type of service selected from the group of empty drum pickup, lubricant analysis, used lubricant pickup and mixtures thereof, and electronically transmitting over a network said order to a service order fulfillment agent.

Hager et al., however, teaches that the collection of empty drums and contaminated solvent is optimally performed in conjunction with the distribution of fresh solvent (see Abstract; see also col. 1, lines 10-29; see also col. 1, line 55 through col. 2, line 20).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the ability to request collection of empty drums and used lubricant and the analysis of lubricants into the supply chain management system of **Navani et al.**, because these services are routinely required in the petroleum distribution business, and is normally performed in conjunction with the distribution of said lubricants; coordinating such services with the purchase and distribution of new lubricants would improve the efficiency with which such services could be carried out.

24. Claims 1, 2, 6, 7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dabbieri et al.** (U.S. Patent Application Publication 2002/0013721) in view of **Business Wire** ("Petrolsoft Introduces Wholesale Supply-Chain Planning Solution for Refinery-to-Terminal Distribution").

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25. Regarding claim 1, **Dabbieri et al.** teaches a computer programmed to execute a process for supply chain management substantially as claimed, said process comprising:

- a) upon receiving a request from a web-browser client, querying a database comprising a catalog of products and prices and availability for same and serving said results of said query to said requesting web-browser client for display (see discussion of access to browser-based item catalog, paragraphs [0028] and [0030]);
- b) serving an order form to said web-browser client which is configured to contain fields for order quantity and type for products, delivery type preferences and delivery address entered in said web-browser client, and determining and displaying on said web-browser client a delivery price quote (see disclosure of submission of an order, including specifying delivery information, paragraph [0044]; see also the capability to access price information, paragraph [0030]);
- c) receiving an order from said web-browser client for a specific type and quantity of products and having a specific delivery type selected (see paragraph [0045]);
- d) electronically transmitting over a network said order to a fulfillment agent selected from the group consisting of a Manufacturer or an Order Fulfillment Agent, and mixtures thereof (see disclosure that purchase orders are routed to the manufacturing facility and the sales manager, paragraphs [0056] through [0059]);
- e) electronically transmitting over a network said order and said delivery information to a Freight-Handling Agent (see disclosure that the system includes a delivery or transportation location, paragraphs [0031] and [0032]);
- f) wherein said Freight-Handling Agent electronically transmits over a network said order and said delivery information to at least one Trucking Company (see disclosure that

the system includes a delivery or transportation location, paragraphs [0031] and [0032]); and

- g) maintaining the status and all actions and communications for said order in a web-accessible database (see paragraphs [0030] and [0063] through [0066], et seq.).

Dabbieri et al. does not explicitly teach a computer programmed to execute a process for supply chain management wherein the product is a lubricant, nor including the use of a delivery optimization system to optimize a delivery schedule.

Business Wire, however, teaches a computer programmed to execute a process for supply chain management wherein the product is a lubricant, nor including the use of a delivery optimization system to optimize a delivery schedule (see disclosure of the Transportation Scheduling Optimizer, page 2, middle).

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply supply chain management to the petroleum industry and include a delivery optimization system, since both improvements would serve to improve the efficiency with which petroleum companies distribute their products from the refineries to customers.

26. Regarding claim 6, **Dabbieri et al.** teaches a computer readable medium having a computer readable program means embodied thereon for supply chain management substantially as claimed, said computer readable program means comprising:

- a) computer readable program code means for receiving a request from a web-browser client, querying a database comprising a catalog of products and prices and availability for same and serving said results of said query to said requesting web-browser client for display (see discussion of access to browser-based item catalog, paragraphs [0028] and [0030]);
- b) computer readable program code means for serving an order form to said web-browser client which is configured to contain fields for order quantity and type for lubricants, delivery type preferences and delivery address entered in said web-browser client, and determining and displaying on said web-browser client a delivery price quote (see disclosure of submission of an order, including specifying delivery information, paragraph [0044]; see also the capability to access price information, paragraph [0030]);
- c) computer readable program code means for receiving an order from said web-browser client for a specific type and quantity of products and having a specific delivery type selected (see paragraph [0045]);
- d) computer readable program code means for electronically transmitting over a network said order to a fulfillment agent selected from the group consisting of a Manufacturer or an Order Fulfillment Agent, and mixtures thereof (see disclosure that purchase orders are routed to the manufacturing facility and the sales manager, paragraphs [0056] through [0059]);
- e) computer readable program code means for electronically transmitting over a network said order and said delivery information to a Freight-Handling Agent (see disclosure

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that the system includes a delivery or transportation location, paragraphs [0031] and [0032]); and

- f) computer readable program code means for maintaining the status and all actions and communications for said order in a web-accessible database (see paragraphs [0030] and [0063] through [0066], et seq.).

Dabbieri et al. does not explicitly teach a computer programmed to execute a process for supply chain management wherein the product is a lubricant, nor including the use of a delivery optimization system to optimize a delivery schedule.

Business Wire, however, teaches a computer programmed to execute a process for supply chain management wherein the product is a lubricant, nor including the use of a delivery optimization system to optimize a delivery schedule (see disclosure of the Transportation Scheduling Optimizer, page 2, middle).

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply supply chain management to the petroleum industry and include a delivery optimization system, since both improvements would serve to improve the efficiency with which petroleum companies distribute their products from the refineries to customers.

27. Regarding claim 11, **Dabbieri et al.** teaches a method for supply chain management substantially as claimed, comprising:

- a) storing in a web-accessible database a catalog of products and prices-per-unit and availability for same which prices-per-unit decrease based on certain pre-determined criteria (see discussion of access to browser-based item catalog, including price information, paragraphs [0028] and [0030]);
- b) upon receiving at a web server a request from a web-browser client, querying a database and serving said results of said query to said requesting web-browser client for display (see discussion of access to browser-based item catalog, paragraphs [0028] and [0030]);
- c) serving an order form to said web-browser client which is configured to contain fields for order quantity and type for lubricants, delivery type preferences and delivery address entered in said web-browser client, and determining and displaying on said web-browser client a delivery price quote (see disclosure of submission of an order, including specifying delivery information, paragraph [0044]; see also the capability to access price information, paragraph [0030]);
- d) receiving an order from said web-browser client for a specific type and quantity of products and having a specific delivery type selected (see paragraph [0045]);
- e) electronically transmitting over a network said order to a fulfillment agent selected from the group consisting of a Manufacturer or an Order Fulfillment Agent, and mixtures thereof (see disclosure that purchase orders are routed to the manufacturing facility and the sales manager, paragraphs [0056] through [0059]);
- f) wherein said order fulfillment agent electronically transmits over a network said order and product specifications to at least one manufacturer (see disclosure that a specific size breakdown is transmitted as part of the order, paragraph [0044];

- g) electronically transmitting over a network said order and said delivery information to a Freight-Handling Agent (see disclosure that the system includes a delivery or transportation location, paragraphs [0031] and [0032]);
- h) wherein said Freight-Handling Agent electronically transmits over a network said order and said delivery information to at least one Trucking Company (see disclosure that the system includes a delivery or transportation location, paragraphs [0031] and [0032]); and
- i) maintaining the status and all actions and communications for said order in a web-accessible database (see paragraphs [0030] and [0063] through [0066], et seq.).

Dabbieri et al. does not explicitly teach a computer programmed to execute a process for supply chain management wherein the product is a lubricant, nor including the use of a delivery optimization system to optimize a delivery schedule.

Business Wire, however, teaches a computer programmed to execute a process for supply chain management wherein the product is a lubricant, nor including the use of a delivery optimization system to optimize a delivery schedule (see disclosure of the Transportation Scheduling Optimizer, page 2, middle).

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply supply chain management to the petroleum industry and include a delivery optimization system, since both improvements would serve to improve the efficiency with which petroleum companies distribute their products from the refineries to customers.

28. Regarding claims 2 and 7, **Dabbieri et al.** additionally teaches a computer and computer readable medium wherein said fulfillment agent is an order fulfillment agent and said order fulfillment agent electronically transmits over a network said order to at least one manufacturer (see disclosure of the sales manager changing a manufacturing order, paragraph [0053] and [0054], the manufacturer being analogous to the claimed lubricant blender).

29. Claims 4, 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dabbieri et al.** (U.S. Patent Application Publication 2002/0013721) in view of **Business Wire** ("Petrolsoft Introduces Wholesale Supply-Chain Planning Solution for Refinery-to-Terminal Distribution") as applied to claims 1, 2, 6, 7 and 11 above, and further in view of **Hager et al.** (U.S. Patent 6,085,808).

30. Regarding claims 4, 9 and 12, **Dabbieri et al.** and **Business Wire** teach a method, computer and computer readable medium substantially as claimed.

Neither **Dabbieri et al.** nor **Business Wire** explicitly teaches a method, computer and computer readable medium which further comprises receiving an order from said web-browser client for a specific type of service selected from the group of empty drum pickup, lubricant analysis, used lubricant pickup and mixtures thereof, and electronically transmitting over a network said order to a service order fulfillment agent.

Hager et al., however, teaches that the collection of empty drums and contaminated solvent is optimally performed in conjunction with the distribution of fresh solvent (see Abstract; see also col. 1, lines 10-29; see also col. 1, line 55 through col. 2, line 20).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the ability to request collection of empty drums and used lubricant and the analysis of lubricants into the supply chain management system of **Dabbieri et al.** and **Business Wire**, because these services are routinely required in the petroleum distribution business, and is normally performed in conjunction with the distribution of said lubricants; coordinating such services with the purchase and distribution of new lubricants would improve the efficiency with which such services could be carried out.

31. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dabbieri et al.** (U.S. Patent Application Publication 2002/0013721) in view of **Business Wire** ("Petrolsoft Introduces Wholesale Supply-Chain Planning Solution for Refinery-to-Terminal Distribution") as applied to claims 1, 2, 6, 7 and 11 above, and further in view of **Peterson et al.** (U.S. Patent Application Publication 2001/0011232).

32. Regarding claims 3 and 8, **Dabbieri et al.** and **Business Wire** teach a computer and computer readable medium substantially as claimed.

Neither **Dabbiere et al.** nor **Business Wire** explicitly teaches a computer and computer readable medium which further comprises serving a product search page to said web browser client, wherein said search page comprising fields supporting alternate search methods selected from the group consisting of product name, product application, cross-applications and mixtures thereof.

Peterson et al., however, teaches a computer and computer readable medium which further comprises serving a product search page to said web browser client, wherein said search page comprising fields supporting alternate search methods selected from the group consisting of product name, product application, cross-applications and mixtures thereof (see description of various search criteria available to the user, paragraphs [0063] through [0069]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to allow a user to search a catalog based on different search criteria, since this would allow efficient and versatile methods for the user to locate desired products.

33. Claims 5, 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dabbiere et al.** (U.S. Patent Application Publication 2002/0013721) in view of **Business Wire** ("Petrolsoft Introduces Wholesale Supply-Chain Planning Solution for Refinery-to-Terminal Distribution") as applied to claims 1, 2, 6, 7 and 11 above, and further in view of **Phillips et al.** (U.S. Patent Application Publication 2002/0116348).

34. Regarding claims 5, 10 and 13, **Dabbiere et al.** and **Business Wire** teach a method, computer and computer readable medium substantially as claimed.

Neither **Dabbiere et al.** nor **Business Wire** explicitly teaches a method, computer and computer readable medium which further comprises serving a product search page to said web browser client, wherein prices decrease based on cumulative purchase volume over a pre-determined time period.

Phillips et al., however, teaches a method, computer and computer readable medium wherein prices decrease based on cumulative purchase volume over a pre-determined time period (see disclosure that quantity discounts may be given, paragraph [0046]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to institute volume discounts, since businesses value customers that make high volume purchases, and it is worthwhile to encourage such bulk purchases through the use of volume discounts.

Response to Arguments

35. Applicant's arguments filed 17 August 2004 have been fully considered but they are not persuasive.

36. Regarding the affidavit filed under 37 C.F.R. § 1.131, this affidavit is not effective to disqualify the **Navani et al.** reference for the reasons stated above. In anticipation of the Applicants perfecting the affidavit, the examiner has presented additional grounds for rejection in this Office action.

37. In addition, the examiner has reason to believe that the following products may provide grounds for rejection of the instant application: Petrolsoft Supply for Retail, Petrolsoft Supply for Wholesale, and the Petrolsoft-sponsored website FuelTrader.com. All of these products existed prior to 7 September 2000, the priority date claimed in the Applicants' submitted affidavit (the Supply products being on sale no later than 2 August 1999, and the FuelTrader.com website being available 13 March 2000). The examiner is currently attempting to secure additional documentation regarding these products.

Conclusion

38. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Grettve et al. (U.S. Patent 6,591,243) teaches a method of controlling the flow and balance of goods and related information from point of origin to consumption in a logistics system.

Smith et al. (U.S. Patent 6,611,686) teaches a system for monitoring, tracking and logistical purposes.

Tambay et al. (U.S. Patent Application Publication 2001/0037255) teaches a system for providing products and services to an industry marketplace.

inforMARE ("Press Review") teaches that on or about 22 August 1998, Amoco Corporation selected Petrolsoft Corporation to manage its supply chain.

Business Wire ("New Multilingual Capabilities in Petrolsoft's Supply-Chain Management Software Facilitate Unified Global Solution") is a press release.

Business Wire ("Petrolsoft iServices Combines Supply Chain Management and E-Commerce for Petroleum Companies to Form Virtual Business Communities") is a press release.

Business Wire ("More Than 60 Percent of the Wholesale Power Industry Signs Up as Wholesale Power Trading Tops 270,000 Megawatt Hours in First Four Weeks") is a press release.

Business Wire ("Houston Street Exchange to Launch New Web-Based Oil Trading Exchange Backed by Large Industry Players") is a press release.

Business Wire ("Petrolsoft Announces Digital Marketspace – FuelTrader.com to Sell Gasoline Via the Internet") is a press release.

Business Wire ("HoustonStreet Exchange Goes Live with Web-Based Exchanges for Crude Oil, Refined Products and a New "SpeedWay" Floor for Electricity") is a press release.

Dabbieri et al. ("Specification of U.S. Provisional Application 60/206,153) teaches a high-level description of the Wildwood retail supply chain software.

Schwartz ("The Crude Supply Chain") teaches the upcoming launch of an online exchange to link buyers and suppliers of goods and services.

Business Wire ("Petroleum Trading Tops \$1 Billion on HoustonStreet Exchange") is a press release.

Aspen Technology ("Aspen Technology Reports 52 Percent Increase in Fiscal 2001 First Quarter License Revenues") is a press release.

Baker et al. ("Electronic Intermediaries in the Oil Industry") teaches virtual forums for trading petroleum.

Hanrahan ("The Evolution of Supply Chain Management in the Petroleum Industry") teaches supply chain management in the petroleum industry.

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The following reference, while not qualifying as prior art, is also of interest:

Miller et al. ("Transforming the Petroleum Supply Chain") teaches supply chain management in the petroleum industry.

39. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke S. Wassum whose telephone number is 571-272-4119. The examiner can normally be reached on Monday-Friday 8:30-5:30, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

In addition, INFORMAL or DRAFT communications may be faxed directly to the examiner at 571-273-4119.

Customer Service for Tech Center 2100 can be reached during regular business hours at (571) 272-2100, or fax (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Luke S. Wassum
Primary Examiner
Art Unit 2167